IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7892 OF 2004

Mahendra Babanrao Gaikwad, .. Petitioner

Vs

The Government of Maharashtra & ors. Respondents

Dr V.K.Chowdhary, for the petitioner.

Mr Arun Palekar, AGP for the respondent-State.

CORAM : D.B.BHOSALE,J.

DATE : 29th September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Admittedly, the petitioner did not make an application to the Market Committee within the timeframe in pursuance of the order of this Court dated 17.6.2004 passed while disposing of Writ Petition No.808 of 2003. Mr Choudhary, learned counsel for the petitioner, states that the petitioner has subsequently on 18.8.2004 made an application to the Market Committee. This Court while disposing of the petition had observed that it is open to the petitioner to apply for allotment of Gala in terms of the liberty granted by the Authority below in clause 6 of the impugned order. It was further observed that if such application is rejected, it would be open to the Market Committee to take possession of the

questioned Gala in accordance with law. There is no dispute that the petitioner did not make the application and in the meantime the Market Committee has taken possession and sealed the questioned Gala bearing No.E-912. Considering that, I am not inclined to entertain this petition. The petition, therefore, fails and is dismissed as such. However, it is open to the petitioner to pursue his application dated 18.8.2004 made before the Secretary, Mumbai Agricultural Produce Market Committee, Mumbai. It is open for the Market Committee to consider the application of the petitioner and communicate its decision within a period of six weeks from today. The petitioner to communicate this order to the concerned authority within one week from today.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)